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Attorneys for Defendant Homecomings Financial, LLC erroneously sued as
Homecomings Financial Network

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Rosa Galindo; Maria Galindo,
Plaintiffs,

vs.

Financo Financial, Inc.; Patrick
Patchin; Ahmed Yama Asefi; Aaroon
Sadat and Nazia Nawabzada;
Countrywide Bank, N.A.;
Countrywide Financial Corp.;
Homecomings Financial Network;
Commonwealth Land Title Company;
Joseph Esquivel; Pamela Spikes; and
Does 1-100,
Defendants.

Case No. 3:07-CV-3991 MHP

**RE-NOTICE OF HEARING BEFORE
JUDGE PATEL ON DEFENDANT
HOMECOMINGS FINANCIAL,
LLC'S MOTION TO STRIKE
PORTIONS OF PLAINTIFFS'
SECOND AMENDED COMPLAINT**

[RULE 12(f)]

DATE: April 14, 2008
TIME: 2:00 p.m.
PLACE: Courtroom 15

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 14, 2008, at 2:00 p.m., or as soon
thereafter as the matter may be heard before Judge Marilyn H. Patel, at the United
States District Court, Northern District of California, located at 450 Golden Gate
Avenue, San Francisco, California 94102, Defendant Homecomings Financial, LLC
erroneously sued as Homecomings Financial Network ("Homecomings") will, and
hereby does, move to strike paragraph 37 and paragraph 9 of the Prayer of Plaintiffs
Rosa and Maria Galindo's Second Amended Complaint.

Specifically, Homecomings seeks to strike the following language: Paragraph 37 “Plaintiffs believe the acts of said Defendants were willful, wanton and in conscious disregard of the rights of Plaintiffs and Plaintiffs are entitled to recover punitive damages” and paragraph 9 of the Prayer “For exemplary and punitive damages against Defendants in an amount according to proof at trial[.]” These paragraphs improperly request exemplary and punitive damages.

This motion is made pursuant to RULE 12(f) of the FEDERAL RULES OF CIVIL PROCEDURE on the basis that Plaintiffs have failed to alleged sufficient facts or claims allowing them to maintain a request for punitive damages under the law. Homecomings has filed its moving and reply papers and Plaintiffs have filed an opposition.

This motion is based upon this notice of motion and motion; the already filed memorandum of points and authorities and the reply papers; the pleadings and papers on file in this action; and on such further oral and documentary evidence as may be presented at the hearing of this motion.

DATED: February 25, 2008

By /s/ Frederick A. Haist

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